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C A S E
OF THE
PROTESTANT INHABITANTS
OF NEWFOUNDLAND

AGAINST THE
UNCONDITIONAL CONCESSION OF RESPONSIBLE
GOVERNMENT,

AS SET FORTH IN
A L E T T E R

TO
THE RIGHT HON. SIR GEORGE GREY, G.C.B.,
HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES,
ETC., ETC., ETC.

FROM H. W. HOYLES,
MEMBER OF THE ASSEMBLY OF NEWFOUNDLAND.

L O N D O N :
THOMAS WHITAKER, PRINTER AND STATIONER,
WALBROOK.

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1854

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TO THE
RIGHT HONOURABLE SIR GEORGE GREY,

Her Majesty's Principal Secretary of State for the Colonies.

SIR,

THE Roman Catholic majority of the Assembly of Newfoundland, having, in the session which has just terminated, refused to exercise their legislative functions, and thus produced a crisis in the political condition of the island, which will, it is presumed, render necessary the interference of the Imperial Government—the Protestant minority of the Assembly, in conjunction with a very large number of the most influential Protestant inhabitants of St. John's, desirous that in any change which may take place, their interests may not be overlooked, have deputed me respectfully to lay before you their views on this important subject, as expressed in the resolutions of the Protestant Committee of St. John's, which are herewith submitted.

From the time of the first agitation by the Assembly of the subject of responsible government, in 1851, the Protestant inhabitants of the Colony have always been strongly opposed to its unqualified concession; because they felt assured that with our existing constitution, the concession of responsible government would in effect be the establishment

under the *form of free institutions*, of a despotism from which there could be little chance of escape, by vesting the whole executive and legislative functions of the Government in the hands of the Roman Catholic Bishop. That this would undoubtedly be the result of such a change is now hardly denied in the Colony, and is apparent to every one at all acquainted with our local history, as it is notorious that of the fifteen members who compose the Assembly, eight at least—namely, two for Placentia and St. Mary's, one for Ferryland, three for St. John's, and two for Conception Bay, have been, and undoubtedly can be returned by the Roman Catholics, the great bulk of whom implicitly exercise the elective franchise in favour of the parties nominated by their clergy, irrespective of their merits or qualifications. And, as under responsible government, the control of the Assembly necessarily involves the power of the Executive, and consequently the nomination of the council, the influence that can return the majority of the Assembly becomes in effect the government of the country.

If this position of affairs were the natural consequence of a superiority on the part of the Roman Catholics in numbers, wealth, or intelligence, the Protestants, however ill-disposed they might feel towards it, would perhaps have less cause of complaint, but knowing that three-fourths of the capital of the country is in *their* hands, and that they outnumber the Roman Catholics by about 3,000 in a population of about 96,000, they feel very strongly its injustice, and naturally deprecate the establishment of a system from which, having regard to the history of other Roman Catholic Governments, and to their local political experience they could hope for little, and would have much to fear.

Relying, however, implicitly upon the justice and discretion of the Parent Government, the Protestants of Newfoundland,

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generally indisposed to political agitation of any kind, have hitherto contented themselves for the most part with offering through the local press and by the votes of their representatives in the Assembly, a consistent opposition to the efforts of the Roman Catholics; and the receipt of the despatch of his Grace the Duke of Newcastle, of the 21st February last, which while it conceded the principle of Responsible Government to Newfoundland in common with other North American Colonies, based that concession upon certain conditions absolutely necessary to its just and practical operation, shewed that this confidence was not misplaced. Regarding the Despatch as a final settlement of the question of responsibility, the Protestant minority of the Assembly, in the session which has recently closed, were prepared earnestly to co-operate with the Roman Catholic members in fulfilling its conditions, and although themselves desirous, in common with their constituents, of a complete and extensive subdivision of the districts in order to a fair and full representation of the whole constituency, yet knowing that the Roman Catholic Members had, from an alleged fear of mercantile influence, always been strongly opposed to subdivision, they were willing to waive their desires upon this point and to acquiesce in such an arrangement, as while it confined division to two districts only, would enable the Protestants to return that reasonable majority of members to which their numbers alone would entitle them.

The Roman Catholic members, however, who as the majority of the Assembly initiated the Representative Bill, brought in a measure which, while they assumed that it would produce a return of fifteen Protestants and fourteen Roman Catholics, would in fact, as is shewn by the Table A, place the majority on the other side and thus perpetuate their present ascendancy. The majority professed to base their hypo-

thesis that the bill would return fifteen Protestants and fourteen Roman Catholics, upon the assumption that the district of Burin having a small Protestant majority would return both members of that persuasion ; but this assumption is contradicted by the fact which they would willingly overlook, but which the past history of the Colony had established beyond contradiction, and which ought always to be taken into account in framing a scale of representation for Newfoundland, viz., that although a district having a small Roman Catholic majority, can always return either a Roman Catholic or a Protestant, subservient to Roman Catholic control as it pleases, a district having even a considerable Protestant majority cannot control the election of its representatives in favour of Protestants, and that for this reason ; that, in election contests, the Roman Catholics are always ready to resort to violence and intimidation, to which the Protestants will never have recourse—thus in the district of Conception Bay, having a Protestant majority of over 4,000, the Protestants have been obliged, in consequence of the outrages by which elections there have been characterised, to come to an understanding with the Roman Catholics that two of each denomination should be returned ; in the district of Burin the return to the amalgamated legislature in 1843 of the present Roman Catholic member was petitioned against, on account of acts of violence and intimidation by which his return was alleged to have been secured ; and at the last election for Conception Bay, the result was as is alleged, materially affected by the circumstance of a body of men armed with sticks, and headed by two persons known to be intimately associated with the Roman Catholic party in St. John's proceeding to Bay Roberts from St. John's, and assaulting and beating the Protestants voters, thereby occasioning a suspension of the poll, and intimidating many from recording their votes. And

indeed, in Conception Bay, of such an aggravated character have these election riots been, that a detachment of troops has for many years past been stationed there for the preservation of the public peace.

The minority of the Assembly knowing from experience that it would be useless for them to offer any amendments to this bill, merely spoke and voted against it, and then permitted it to pass to the Council, in the hope that such reasonable amendments as that body might make in it, would be adopted by the Assembly. After much deliberation the Council returned the bill with amendments, which, while just in themselves as regards the main point of representation, and such as by way of compromise the minority of the Assembly were ready to concur in, were nevertheless very far short of what the minority thought desirable, and of what were indicated by His Grace's despatch.

In the first place, no provision whatever was made for more clearly defining the property-qualification of members; a point most essential, as the ambiguous wording of the Imperial Act enables any candidate so disposed to bring himself within the letter of the Act, though he may be far from being within the spirit of it. 2ndly—The anomaly now existing in the franchise, whereby a man of large property and great stake in the country is not permitted, either to offer himself as a candidate or to vote at elections, because he may prefer to live at lodgings instead of to keep a house for himself, was left untouched. 3rdly—No means were taken to carry out the condition of the despatch, which provides for the payment of members (if at all) by the districts returning them; and Lastly—No effort was made to give to the Protestant population of the District of St. John's, numbering over 6000, comprising all but a comparatively small proportion of the wealth of the whole island, and without whom the trade and

fisheries of the Colony would virtually cease to exist, a solitary member, to advocate their interests or to protect their rights.

The amendments made by the Council were: 1st—They put at rest the question, of whether Burin would or would not return one Roman Catholic and one Protestant, by providing, that in that district, each voter should vote for only one candidate, the effect of which would be to ensure the return of one of each denomination, or, in other words, to divide this district, and then took the third member from Placentia and St. Mary's, a Roman Catholic district, with a population of 6,473, and gave it to Bonavista, a Protestant district, with a population of 7,227, thus rendering certain the return of fifteen Protestants and fourteen Roman Catholics. 2ndly—They altered the subdivision of Conception Bay, not in a manner to affect the result of the returns for the whole Bay, but so as to give the wealthy and populous Protestant settlement of Brigus a member; and 3rdly—They added a scale of election expenses, to be defrayed by the candidates, in accordance with the terms of the despatch: and Lastly—At the desire of the members for Bonavista and Trinity, and for purely local purposes, they slightly altered the boundary between these districts.

Favourable as the bill so amended was to the Roman Catholic portion of the population, and certain as would be its operation in producing the result which the Assembly professed to desire, the Assembly nevertheless rejected them, on account, merely, of the novelty of the principle applied to the district of Burin, (as if novelty could be any just objection to that which was simply an extended practical application of that principle of natural justice, which declares that every man ought to have a voice in the making of the laws by which he is to be governed,) and while they assented to the

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third member for Bonavista, they insisted upon leaving Burin as before, and restored the third member to Placentia and St. Mary's.

It is manifest, that the amendments made by the Assembly on the Council's amendments could not be acceded to by the latter body, because, while the Assembly admitted the right of the Protestants to a *majority*, their amendments at the utmost only placed both denominations on an equality, and although the Council offered, at a free conference, to recede from the amendment regarding Burin if the Assembly persisted in their objections to it—(still maintaining however their position that Burin would, in any event, return one of each denomination,) the Assembly would not be satisfied with this concession, and the bill was consequently lost.

The Assembly then passed a resolution confirmatory of one adopted by them before the receipt of the Duke of Newcastle's despatch, refusing to transact any further business, and passed an address, praying for the immediate and unqualified concession of responsible government.

That the prayer of this address will be acceded to the Protestants of Newfoundland do not at all apprehend. They cannot believe that the Imperial Government will, at the dictation of the Assembly, abandon conditions which it has declared to be essential to justice, or that the Local Government will be transferred at once to nine men, who have shown their qualifications for larger powers by a marked abuse of those which they now possess—who, for the purpose of maintaining an ascendancy to which they are not entitled, have endeavoured to coerce a co-ordinate branch of the Legislature, not merely by refusing to entertain many bills of importance brought in by the minority of the assembly, but by exposing the subordinate officials to much suffering and privation,—by turning adrift, at a moment's notice, to seek

other means of living or to starve, the teachers of common schools; by putting a stop to education for twelve months; and by refusing all protection to our fisheries—a matter considered of such vital importance, that the Commercial Society have, since the prorogation of the Legislature, at their own expense, furnished to the Local Government the funds necessary to maintain a small force near Cape John. Those whom I represent, rather desire to place before H. M. Government the real condition of parties and affairs in Newfoundland, leaving it to their wisdom to devise the proper remedy.

Should it however, be deemed expedient in accordance with the principles of the Duke of Newcastle's despatch, to make a new arrangement of the electoral divisions of the Colony, I may be permitted to observe, that in 1835, an Act, brought in by a Roman Catholic member, passed the Local Legislature, by which this was effected, but which Act was disallowed by the Home Government, because it included in its arrangement a part of the French shore; and that in 1844, a bill was brought into the amalgamated Legislature for the like purpose, which, although supported by a majority of the Assembly, was withdrawn after eight days debate, in consequence of the continued resistance of a Roman Catholic minority, which threatened to persevere in its opposition by speaking against time, so as to obstruct all other public business.

Either of these measures, with a slight modification, would afford a full and fair representation.

The Duke of Newcastle's despatch having conceded the principle of responsible government, renders it now unnecessary for me to refer to many matters which had previously been considered of importance upon both sides; but there are still a few points in relation to this subject, to which I may be permitted shortly to allude.

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The majority of the Assembly have endeavoured to represent the question of the present concession of responsible government, as one subsisting solely between themselves and the council. It is, on the contrary, a question between the council, the Protestant minority of the Assembly, and the Protestant majority of the people on one side, and the Roman Catholic minority of the people on the other, a question raised by the attempt on the part of the Roman Catholic minority to maintain and perpetuate in the Assembly, and consequently (under responsible government), in the Local Government, an ascendancy to which they are not entitled, whether as regards their numbers, their wealth, or their intelligence.

It is a religious question solely, as is manifest—from the character of the divisions in the Assembly when the Representative Bill was under consideration, the Protestants, (with one exception), voting always on one side, and the Roman Catholics on the other; from the addresses of the Law and Commercial Societies in answer to Earl Gray's despatch of January, 1852, and from the opinions of the Local Press; from the admissions of the Roman Catholic members themselves; from the letter of Dr. Mulluck, the Roman Catholic Bishop, to Mr. Little, under date of the 7th February, 1852; from the numerous petitions got up in answer to the appeal from the Protestant Committee, constituted in St. John's at the very time that the Duke of Newcastle's despatch was on its way to the colony; from the constant and active interference of the Roman Catholic Clergy at contested elections; from the fact that the Roman Catholic majority of the assembly have repeatedly rejected a bill brought in for the purpose of giving a member to the exclusively Protestant district of Bruges and La Poile—a district, which although containing a population computed at over 3000, and returning to the

revenue nearly double as much as the Roman Catholic district of Placentia and St. Mary with its two members, is still, notwithstanding its appeals, both to the Local Legislature and the Imperial Government, wholly unrepresented; and from the consideration that, all the Protestant denominations, although sometimes differing with each other upon other local subjects, are unanimous upon this question. Again, the majority of the assembly have repeatedly alleged that the difference between them and the council is merely the result of an effort on the part of the officials in the latter body to preserve the power and office which they at present enjoy. In the colony, however, it is well known, that the only officials who are in the council are desirous of retiring from their present positions if they can do so by the adoption of any course not involving a sacrifice of principle, and this knowledge has, with some not well acquainted with the character of these gentlemen, rendered them suspected of dealing much too tenderly with the measures of the assembly. The names upon the Protestant Committee, moreover, many of whose members are well and honorably known in London, and amongst whom, with the exception of the writer, there is not a single paid official, sufficiently demonstrate that the position taken by the council is fully sustained by the Protestant majority of the people.

Further, the present struggle has been represented as one between "the Mercantile Monopolists," as the majority of the assembly term the mercantile community, and the people; the former endeavouring to preserve the monopoly, which it is alleged they now possess, the latter seeking by means of a greater freedom in their political institutions, for that advantage which some anticipate from Free Trade with America, and from the settlement on our shores of American citizens; but without entering into a consideration of the

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resolutions adopted by the assembly and the Commercial Society respectively, on the subject of Free Trade, I would observe, that the resolutions of the assembly passed that body unanimously, Protestants and Roman Catholics alike supporting them; that I am not aware of any monopoly in Newfoundland, other than that advantage, which, where the laws are equal, the possession of capital will always give, and that whatever might be said of the Newfoundland merchants of a former time, who, residing altogether in England, looked upon the colony in accordance with the settled policy of the Imperial Government as a station where they might fish, but could not reside; the merchants of the present day, a very different class of men, are too closely connected with it by many and powerful ties, not to be as deeply interested in its permanent prosperity as many, who, having no real stake in the colony, with a suddenly acquired zeal, make loud professions of disinterested patriotism,—and that the recent offer of the Commercial Society, made in anticipation of the loss of the Revenue Bill, voluntarily to continue the payment of Customs duties, an offer, unparalleled in Colonial history, sufficiently attests, that in opposing the views of the majority of the assembly, they are influenced, not by selfish and sectional motives, but by a desire to promote the best interests of the country of their nativity or their adoption. Again, it is alleged by the Roman Catholic party, that, taking the aggregate result of the five general elections which have been held since the first establishment of the Legislature, a majority of Protestants have been returned to the assembly, but an investigation of this point will shew that the fact is not so, a majority of Roman Catholics having been returned, as will always be the case under the present division of districts, and deducting the first house which was elected before parties were organised, and when the interference

of the Roman Catholic Clergy at elections was not so active as it has since been, the aggregate return shews a large majority of Roman Catholics.

In conclusion, Sir, I would respectfully but earnestly remind you that what the Protestants of Newfoundland require in this matter is simple justice,—that they the majority should not be placed at the mercy of the ecclesiastical ruler of the minority, and that they should not, by a change in the structure of their political institutions, be now deprived of that civil and religious liberty which they have heretofore enjoyed, and which is their birthright as British subjects. Soliciting your favourable consideration to this appeal,

I have the honour to remain,

SIR,

Your most obedient humble Servant,

H. W. HOYLES,

Member of the Assembly of Newfoundland.

RIDER'S HOTEL,

SALISBURY SQUARE, LONDON,

July 12, 1854.

District

St. John
Trinity
Bonaville
Fortune
La Poile
Ferryland
Burin
Placentia
Twillingate

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TABLE A.

Distribution of Members, according to Census of 1845.	Popula- tion.	Protes- tant.	Roman Catholic.	Members.		Propor- tion to each Member.
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St. John's, divided into two districts	25196	6210	18986		6	4199
Trinity District	8801	7518	1283	3		2933
Bonavista do.	7227	5418	1809	2		3613
Fortune Bay do.	2920	2557	363	1		2920
La Poile do.	2180	2151	29	1		2180
Ferryland do.	4581	182	4399		2	2290
Burin do.	4358	2407	1951	1	1	2179
Placentia and St. Mary's do.	6473	1018	5455		3	2157
Twillingate and Fogo do.	6744	5616	1128	2		3872
Conception Bay is divided into four districts, viz.—						
Horse Cove to Cupid's, inclusive..	6722	2614	4108		2	3361
P. de Grave to Bay Roberts „ ..	4612	3806	806	1		4612
Span. Bay to H. Grace „ ..	6182	3698	2484	2		3091
Carbonear to Musquito „ ..	5071	2340	2731		1	5071
Freshwater to Bay Deverds „ ..	5439	3988	1451	1		5639
	96506	49523	46983	14	15	

